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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
LANDAMERICA PARTNERS TITLE
COMPANY, F/K/A PARTNERS
TITLE COMPANY TO PRODUCE
ONE OR MORE
REPRESENTATIVES FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring LandAmerica Partners Title Company, f/k/a Partners Title Company ("Partners Title") to produce one or more representatives, as set forth in the subpoena to be issued under

1 Federal Rule of Bankruptcy Procedure 9016, to appear for examination at the office of
2 Diamond McCarthy LLP, 1201 Elm Street, Suite 3400, Dallas, Texas 75270, on a business
3 day no earlier than ten (10) business days after the filing of this Motion and no later than
4 September 17, 2007, or at such other mutually agreeable location, date, and time, and
5 continuing from day to day thereafter until completed.
6

7 This Motion is further explained in the following Memorandum.
8

9 **Memorandum**

10 The Trust seeks information concerning various transactions between Partners Title
11 and USACM, the other debtors in the above-captioned cases (together with USACM, the
12 “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities.
13 Partners Title is one of several title companies that participated in the loan transactions
14 between the Debtors and/or their affiliates and their borrowers. In particular, Partners
15 Title participated in several major transactions in which the loans are currently in default.
16 The Trust seeks this information from Partners Title to assist in the collection of the assets
17 and the investigation of the liabilities of the Debtors.
18
19

20 The Trust previously issued a subpoena to Partners Title seeking information
21 regarding transactions in which Debtors and/or its affiliates were involved. Partners’ Title
22 has disclaimed knowledge of any transactions involving the entities. This renewed request
23 for a Rule 2004 examination seeks more specific information regarding transactions in
24 which Partners Title was known to be an escrow agent and also seeks to determine
25 whether Partners Title was involved in other transactions.
26

1 In particular, the Trust will seek, *inter alia*, the following categories of documents
2 from Partners Title and other title companies:

- 3 • Escrow files from specific transactions in which Debtors or their affiliates
4 participated;
- 5 • Escrow files from other transactions in which Debtors or their affiliates
6 participated;
- 7 • Purchase contracts, amendments, and assignments from these transactions;
- 8 • Deeds of trust from these transactions;
- 9 • Documents identifying other escrows relating to the properties at issue;
- 10 • Title policies issued in connection with the closing of the transactions in
which Debtors participated;
- Correspondence and emails related to transactions in which Debtors or their
affiliates participated

11 The requested discovery from Partners Title is within the scope of examination
12 permitted under Bankruptcy Rule 2004, which includes:

13 [t]he acts, conduct, or property or . . . the liabilities and financial condition
14 of the debtor, or . . . any matter which may affect the administration of the
15 debtor's estate, or to the debtor's right to a discharge. In a . . .
16 reorganization case under chapter 11 of the Code, . . . the examination may
17 also relate to the operation of any business and the desirability of its
18 continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.¹

19 Conclusion

20 Accordingly, the Trust requests that this Court enter the form of order submitted
21 with this Motion.

22 Dated: August 15, 2007.

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¹ FED.R. BANKR. P. 2004(b).

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